

EXHIBIT S

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Case 2:22-cv-02047-APG-EJY Document 7 Filed 12/12/22 Page 1 of 2

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TAKO LLC,

Plaintiff

v.

PARNELL COLVIN,

Defendant

Case No.: 2:22-cv-02047-APG-EJY

**Order Granting Defendants' Emergency
Motion to Remand Case for Lack of
Subject Matter Jurisdiction**

[ECF No. 5]

Defendant Parnell Colvin removed this action from state court based on federal question jurisdiction. ECF No. 3. Colvin asserts that such jurisdiction exists because plaintiff Tako LLC violated his federal constitutional rights or committed federal crimes. I have previously advised Colvin multiple times that his federal defenses or counterclaims cannot create federal question jurisdiction for removal. *See, e.g., Tako LLC v Colvin*, 2:22-cv-01837-APG-NJK, ECF Nos. 5 at 1 (citing cases); 10 (remanding case). Consequently, I grant Tako's emergency motion to remand this case for lack of subject matter jurisdiction.

I deny as moot Tako's request for an order precluding Colvin from removing this case again in the future. Today, Judge Silva entered a vexatious litigant order against Colvin barring him from "filing any complaint, petition, notice (including notice of removal), or other document, as a pro se litigant, either alone or with other plaintiffs, in the United States District Court for the District of Nevada that relate to evictions which arise under state or local law, violations of law during eviction proceedings, landlord-tenant law or residential leases, without first obtaining leave of court." *Colvin v. Tako, LLC*, 2:22-cv-01928-CDS-NJK, ECF No. 13. That order precludes Colvin from removing these actions again without prior court approval. I

1 note that Judge Silva's order is further supported by Colvin's removal in this case, which he filed
2 within three days after I remanded his prior removal attempt and four days after Judge Silva
3 remanded her case. *See* ECF No. 3 (removed on December 9, 2022); *Tako LLC v. Colvin*, 2:22-
4 cv-01837-APG-NJK, ECF No. 10 (remanded on December 6, 2022); *Colvin v. Tako, LLC*, 2:22-
5 cv-01928-CDS-NJK, ECF No. 12 (remanded on December 5, 2022).

6 I THEREFORE ORDER that plaintiff Tako LLC's emergency motion to remand (ECF
7 No. 5) is GRANTED. This case is remanded to the state courts from which it was removed for
8 all further proceedings (case no. 21E014316 to Las Vegas Justice Court and case no. A-22-
9 860164-C to the Eight Judicial District Court). The clerk of court is instructed to close this case.

10 DATED this 12th day of December, 2022.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE